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16 **UNITED STATES DISTRICT COURT**
NORTHERN DISTRICT OF CALIFORNIA
17 **SAN FRANCISCO DIVISION**
18

19 SHENZHEN BIG MOUTH TECHNOLOGIES
20 CO., LTD. and DECAI (TONY) FU,

21 Plaintiffs, and
Counterclaim Defendants,

22 v.

23 FACTORY DIRECT WHOLESALE, LLC,

24 Defendant and
25 Counterclaim Plaintiff.

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Plaintiff Factory Direct Wholesale, LLC

CASE NO. 3:21-cv-09545-RS

**JOINT STIPULATION TO CONTINUE
CASE MANAGEMENT
CONFERENCE; ORDER**

JOINT STIPULATION

WHEREAS, on April 28, 2022, Plaintiffs and Counterclaim Defendants Shenzhen Big Mouth Technologies Co., Ltd. and Decai (Tony) Fu (together, “Plaintiffs”) filed a motion for judgment on the pleadings as to Count I of Plaintiffs’ Complaint (Non-Violation of the Anti-Cybersquatting Consumer Protection Act) pursuant to Federal Rule of Civil Procedure 12(c) (the “Motion”), and scheduled the hearing for June 16, 2022.

WHEREAS, the Case Management Conference is set for May 26, 2022, before the hearing on the Motion.

WHEREAS, Plaintiff and Defendant and Counterclaim Plaintiff Factory Direct Wholesale, LLC (“Defendant”) are currently engaged in settlement discussions regarding the Plaintiff’s Complaint and Defendant’s Amended Answer and Counterclaims.

WHEREAS, subject to the Court’s approval, the parties agree that because certain pleadings may be dismissed or amended following the hearing on the Motion on June 16, 2022, and the parties are currently engaged in settlement discussions, (1) the Case Management Conference should be continued by at least thirty (30) days after the Court’s ruling on the Motion and (2) the associated deadlines to file a joint case management statement and serve initial disclosures should be continued to seven (7) days before the continued Case Management Conference.

THEREFORE, the parties, through their respective counsel, hereby stipulate:

1. The Case Management Conference is continued to at least thirty (30) days after the Court’s ruling on the Motion; and
2. The deadline to file a joint case management statement and serve initial disclosures is continued to seven (7) days before the continued Case Management Conference.

Respectfully submitted,

Dated: May 10, 2022

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, LLP

By: /s/ Matthew Samet
Matthew Samet
*Attorneys for Plaintiffs and Counterclaim
Defendants Shenzhen Big Mouth Technologies Co.,
Ltd. and Decai (Tony) Fu*

1 Dated: May 10, 2022

SMITH, GAMBRELL & RUSSELL, LLP

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3 By: /s/ Gregg A. Rapoport
Gregg A. Rapoport
4 *Attorneys for Defendant and Counterclaimant*
Factory Direct Wholesale, LLC

ATTESTATION

Counsel for Plaintiffs and Counterclaim Defendants Shenzhen Big Mouth Technologies Co., Ltd. and Decai (Tony) Fu hereby attests by his signature below that concurrence in the filing of this document was obtained from counsel for Defendant and Counterclaim Plaintiff Factory Direct Wholesale, LLC.

Dated: May 10, 2022

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, LLP

By: /s/ Matthew Samet
Matthew Samet
*Attorneys for Plaintiffs and Counterclaim
Defendants Shenzhen Big Mouth Technologies Co.,
Ltd. and Decai (Tony) Fu*

ORDER

PURSUANT TO STIPULATION, IT IS SO ORDERED that:

1. The Case Management Conference is continued to July 28, 2022.
2. The deadlines to file a joint case management statement and serve initial disclosures are continued to July 21, 2022.

Dated: May 10, 2022


Hon. Richard Seeborg
Chief U.S. District Judge